

*The mission of the Iowa Department on Aging is to develop a comprehensive, coordinated and cost-effective system of long term living and community support services that help individuals maintain health and independence in their homes and communities.*



## Plan to Reduce Number of Area Agencies on Aging

Submitted to:

- ◆ Senate Standing Committee on Human Resources
- ◆ House of Representatives Standing Committee on Human Resources
- ◆ Joint Appropriations Subcommittee on Health and Human Services

Attached herein:

- ◆ Plan to Reduce Number of Area Agencies on Aging
  - Executive Summary
  - Iowa's Aging Network
  - Plan Development Process
  - Fiscal Impact
  - Future Cost Efficiencies and Increased Effectiveness
- ◆ Attachment 1: Proposed Planning and Service Areas Map
- ◆ Attachment 2: Proposed Area Agencies on Aging Map
- ◆ Attachment 3: Iowa Administrative Code, Section 17, Chapter 4
- ◆ Attachment 4: Timeline
- ◆ Attachment 5: Aging and Disability Resource Center

## Iowa Department on Aging

### Plan to Reduce Number of Area Agencies on Aging

During its 2011 session, Iowa's 84<sup>th</sup> General Assembly passed HF 45. The bill was signed into law by Governor Branstad on March 7, 2011 (H.J. 578). Section 20 of the bill states:

***“Department on Aging – Plan for reduction in number of area agencies on aging. The department on aging shall develop a plan for reducing the number of area agencies on aging in the state, to be effective beginning July 1, 2012. The department shall submit the plan to the standing committees on human resources of the senate and house of representatives and the joint appropriations subcommittee on health and human services on or before December 15, 2011.”***

#### Executive Summary

1. Reduce the number of planning and service areas (PSAs) from 16 to 5. (See Attachment 1)
2. Reduce the number of Area Agencies on Aging (AAAs) from the existing 13 to 5. (See Attachment 2)
3. Amend Iowa Administrative Code, Section 17, Chapter 4 allowing the Department to meet requirements of the federal act and ensure timelines are met through “double-barreled” process. (See Attachments 3)
4. Develop a Request for Application (RFA) and process for AAA designation.
5. Seek plan approval from U. S. Administration on Aging.
6. Seek introduction of Iowa Department on Aging (IDA) bill that will remove code provision that mandates 13 area agencies on aging.

(See Attachment 4: Timeline)

In order to maximize public comment and input on the legislative intent of HF 45, the Department on Aging held ongoing meetings with the AAAs and their board of director representatives. In addition, the Department on Aging held sixteen community forums throughout the state and met with other aging advocacy groups to discuss HF 45 and gather input on how AAAs might be consolidated. Conversations also focused on future needs of older Iowans, their priorities for building the capacity of Iowa's Aging Network throughout the state, and addressed the increasing demand for long term living and community support services. The primary concern voiced from consumers, service providers, AAAs, and elected officials was “**access to services**” should be maintained through any reorganization. Discussions held at the community forums identified three priority areas of unmet needs: **(1) Develop a statewide system of protections and support services for older individuals facing abuse and exploitation, including a strong elder rights law; (2) Increase mental health services designed and delivered to older individuals throughout the state, particularly in rural areas; and (3) Increase focus on the lack of affordable, adequate and appropriate transportation services to allow better access to health and support services, particularly in rural areas.** As the Reduction Plan is implemented, these three issues will be discussed as priorities for the five area agencies on aging established.

### **Iowa's Aging Network**

The Department on Aging is the designated State Unit on Aging (SUA) under the Federal Older Americans Act. The Federal Act, administered by the U. S. Administration on Aging (AoA) under the governance of the U. S. Department of Health and Human Services, sets out specific requirements for states to establish planning and service areas (PSAs) as well as AAAs to carry out the Federal Act requirements. The SUA is then required to ensure compliance with federal statute and regulations as well as any state or administrative code for programs that fall under the Federal Act.

In 1966, the Iowa General Assembly established the Iowa Commission on Aging (later changed to the Iowa Department of Elder Affairs and now the Iowa Department on Aging) and established sixteen PSA's. AAAs were then designated to coordinate long term living and community support services and to act as a provider of last resort should a service not be available in a geographical region. Two AAAs applied to service more than one PSA: Hawkeye Valley Area Agency on Aging serves PSA's 6 and 7 and Elderbridge Area Agency on Aging serves PSA's 2, 5, and 12. In the mid 1980's, the Administration on Aging authorized each SUA to work with interested AAAs to become freestanding not-for-profit organizations. This allowed AAAs to leverage resources only available to not-for-profit organizations. Today, twelve AAAs are formed under IRS 501(c) (3) not-for-profit status and one is housed within a community college.

#### ***State Unit on Aging***

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The Department on Aging employs 32 individuals to ensure provisions within the Federal Act, Iowa Code 231 (Elder Iowans Act), and Iowa Administrative Code are met. The Department on Aging also works to ensure a "comprehensive, coordinated and cost-effective system of long term living and community support services" is provided to older Iowans, their caregivers, and with increasing frequency, persons experiencing disabilities. Ten of the thirty-two employees are charged with carrying out the duties of the Office of the Long Term Care Ombudsmen whose role is to ensure the rights of long term care facility and assisted living residents.

### **Plan Development Process**

Recognizing the strength of the federal Act which focuses on "grassroots" development in the design of a state's aging network, the AAAs were asked to work together to provide a proposed plan to reduce the number of AAAs from the current thirteen in response to HF45. The Department on Aging prepared several proposed configurations that would more closely balance numbers of older Iowans as well as more equitable funding by applying existing funding formulas to each of the proposals. Thirteen of the sixteen PSAs served by ten AAAs have proposed the designation of 5 planning and service areas/AAAs as reflected in (Attachment 2) by working through a concept to voluntarily consolidate; one PSA/AAA has chosen not to participate in discussions and two planning and services areas will not be changed through this plan.

### ***Area Agency on Aging & Board of Directors***

In order to maximize public comment and input on the legislative intent of HF 45, the Department on Aging held ongoing meetings with the AAAs and their board of director representatives. The Department also held sixteen community forums throughout the state and met with other aging advocacy groups to discuss HF 45 and gather input on how AAAs might be consolidated. Furthermore, conversations focused on future needs of older Iowans, their priorities for building the capacity of Iowa's Aging Network throughout the state, and addressed the increasing demand for long term living and community support services. The primary concern voiced from consumers, service providers, AAAs, and elected officials were “**access to services**” should be maintained through any reorganization.

### ***Community Conversations on Aging***

During the summer of 2011, 646 Iowans attended the sixteen Community Conversations on Aging held throughout Iowa. Iowans learned about the provisions, shared their ideas, and identified their greatest concerns in meeting the needs of the increasing numbers of older individuals and their caregivers. It is reported in 2010 that Iowa's population reflected over 15% of persons aged 60 and over with those numbers projected to rise to 18% by 2020 and 23% by 2030. By 2030, Woods and Poole Economics, Inc. project that 88 of Iowa's 99 counties will reflect over 20% of their population will be age 60 and over. While conversations are occurring on the federal level regarding Social Security, it is important to note the Social Security Administration reports Iowa recipients bring \$485,942,000 into the State of Iowa that support the economy with those numbers increasing as more individuals reach retirement age.

Discussions held at the community forums identified three priority areas of unmet needs:

- (1) Develop a statewide system of protections and support services for older individuals facing abuse or financial exploitation, including a strong elder rights law;**
- (2) Increase mental health services designed and delivered to older individuals throughout the state, particularly in rural areas; and**
- (3) Increase the focus on lack of affordable, adequate and appropriate transportation services to allow better access to health and support services, particularly in rural areas.**

As HF 45 is implemented, these three issues will be discussed as priorities for the five area agencies on aging established.

### ***Aging Network Partners***

The Department also worked with partner organizations, in reviewing Iowa's overall service delivery system and evaluated how to best meet current needs and the issues around a rapidly increasing older population. Through this process, three emerging needs surfaced:

- (1) The need to increase partnerships with organizations working with persons with mental and physical disabilities through the expansion and development of Aging and Disability Resource Centers (ADRC). The ADRC serves as a one stop shop for information and assistance in accessing appropriate services and funding (See Attachment 5);

(2) The need to develop an enhanced Elder Protection System, including a law separate from the current Dependent Adult Abuse Law, administrative rules, resurrection of the Office of Substitute Decision Maker (conservator, guardianship, etc.), and other provisions that keep older Iowans safe and protected; and

(3) The need for an enhanced mental health system that includes older Iowans. Most important is working to identify adequate funding through system coordination while continuing to serve the growing number of older persons, caregivers, and adults with disabilities.

### ***Iowa Commission on Aging Action***

***The Iowa Commission on Aging took action in September to approve the recommendation of the reconfiguration to be submitted as required by House File 45. (See Attachment 2 for approved configuration)***

### **Fiscal Impact**

With no additional funds appropriated to research or design this plan, the Department on Aging has undertaken this in the most efficient process feasible and actions within the plan have been designed to be the most cost-effective possible for both the Department on Aging and the area agencies on aging. It is also pertinent to note that the federal governing law, known as the Older Americans Act, lays out a specific process which must be followed when changing the number of PSAs and number of AAAs. In order to comply with these Federal Act mandates, the Department on Aging may need to promulgate emergency administrative rules.

The Administration on Aging has provided guidance regarding provisions that must be changed within Iowa Administrative Code, Section 17, Chapter 4 to ensure that all federal requirements are followed in this reduction of AAAs. In order to ensure requirements, those changes were presented to the Iowa Commission on Aging on November 1 and were recommended for “double-barrel” filing which would allow immediate implementation through the “emergency rules” process while at the same time allowing public input through the Intended Action process. (See Attachment 3) As reflected in the Chapter 4 rules, a process must be put in place and followed to allow other entities to be considered for the newly organized planning and service areas/area agency on aging areas.

The AAAs will incur administrative costs to implement this plan including but not limited to:

- legal costs to reorganize existing nonprofit organizations into a combined organization;
- legal costs to align benefit packages including retirement (AAAs are allowed to participate under IPERS, but may also provide alternate comparable retirement plans);
- two AAAs hold long-term HUD contracts for senior housing developed and administered by their organizations; and
- one area agency on aging also serves as the Regional Transit Authority; property ownership and long term leases will need to be amended or eliminated in some cases; etc.

Again, no funding has been provided to assist with this reduction process but existing area agencies on aging, defined as “instrumentalities of the state”, AAAs are attempting to minimize administrative expenditures necessary for this process and to minimize any impact to elders throughout the upcoming months.

It is anticipated that full implementation of HF 45 may take an additional three to five years before administrative cost efficiencies will be recognized. At that time, those “cost efficiency savings” will be put into consumer services provided at the local level. The Department on Aging will work with AAAs to monitor cost efficiencies as the plan is implemented including staffing and other administrative changes and funds moved from administrative support to services. The Federal Act requires that each AAA submit an area plan reflecting the planning done at the local level to identify services and target the most rural, low income, minority, and other at risk populations. The Department on Aging reviews each area plan; the Commission on Aging also reviews and approves each AAA area plan before implemented. Examples of these area plans are submitted to the Administration on Aging and kept on file at the Department on Aging and monitored throughout the year.

### **Future Cost Efficiencies and Increased Effectiveness of Iowa’s Aging Network**

The Department on Aging has referred to the process to reduce the number of AAAs as an opportunity to “modernize the aging network in Iowa”. While this process will be ongoing, the following is being undertaken by the Department on Aging along with its contracted partners, AAAs, and other executive branch departments and organizations providing long term living and community support services to older Iowans, their caregivers, and adults experiencing disabilities, with particular focus on addressing “dual eligibles” (those covered by both Medicare and Medicaid):

1. Building upon a federal grant held by the Department on Aging to establish pilot Aging and Disability Resource Centers/Network; plans to have each of the newly organized AAA to host Aging and Disability Resource Centers/Networks throughout the state for enhanced access to allow older Iowans, their caregivers, and adults with disabilities to have increased access to information, support, and assistance at the most appropriate times and utilizing the most appropriate funding.
  - a. Work with the Insurance Division to enhance partnerships with SHIP within each Aging and Disability Resource Center/Network to ensure appropriate Medicare information is available.
  - b. Work with the Department of Human Services to ensure appropriate partnerships are in place at each Aging and Disability Resource Center/Network for Medicaid and other state supported programs.
  - c. Work with the Department of Public Health to ensure adequate health-related information is available to equip individuals to have better control over their own health and to reduce health care costs as appropriate.
  - d. Continue to pursue funding sources, including self-pay opportunities, to develop and maintain the Aging and Disability Resource Centers/Network system.
2. Working with Iowa’s congressional delegation to allow cost-sharing across all Older Americans Act programs and working with the Iowa legislature to allow cost-sharing across state funding of home and community based services. Currently, the Older Americans Act stipulates that while cost-sharing may be allowed, it is still voluntary. Recommended actions will be provided to both bodies.
3. Ensuring the preservation of the rights of older Iowans. Title VII of the Older American Act charges each state with developing and supporting legislation, supports and services to ensure the rights of older Iowans are preserved. The Department on Aging is developing a proposed package of recommended actions, including proposed legislation.

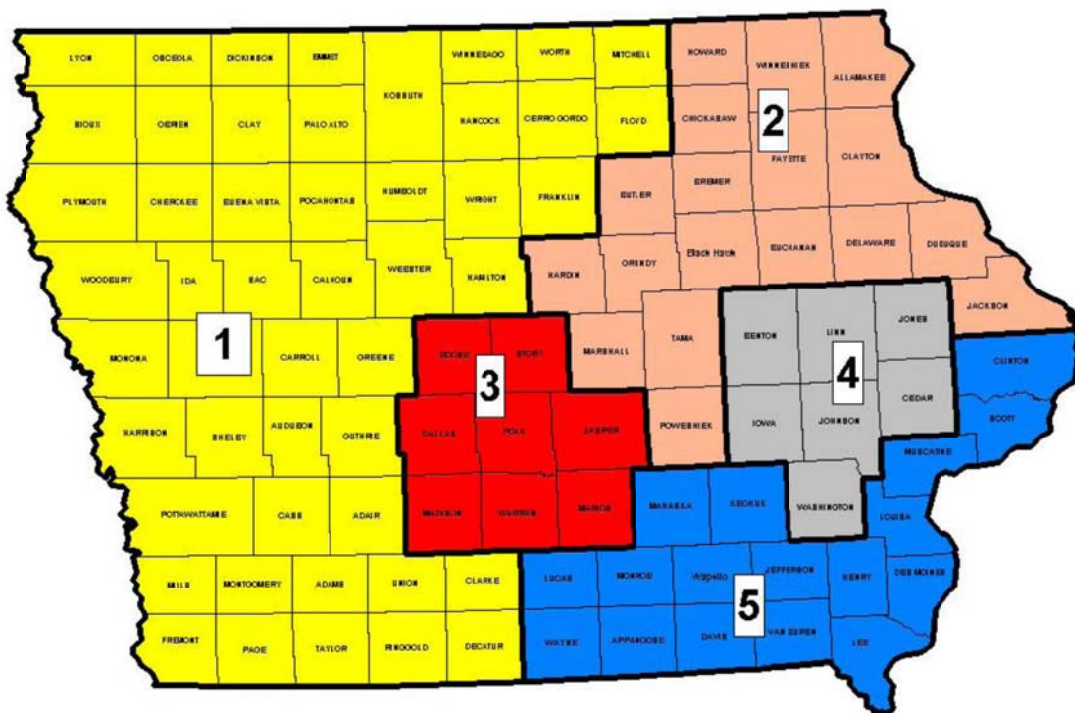
4. Working with partners in the Aging Network including, but not limited to the Department of Human Services, Department of Public Health, Department of Inspections and Appeals, Department of Veterans Affairs, Insurance Division, AARP, AAAs, Iowa Association of Homes and Services for the Aging, LeadingAge, to develop and recommend a mission statement and plan for the state of Iowa for long term support and services. The first meeting has been held to begin discussing the approach and commitment. The primary discussions are based upon the report provided to the Department on Aging from Thomson and Reuters available on the Department's website ([www.aging.iowa.gov](http://www.aging.iowa.gov)).
5. Identifying increased efficiencies in the reporting required by AAAs to the Department to provide better data and to assist in identifying administrative efficiencies at the local level.
6. Working with Iowa's institutes of higher learning and regents universities to continue to make Iowa an aging friendly state.

With the rapidly increasing number of older persons that will reflect an estimated 20 % of Iowa's population, it is critical that the current network of services and support, structures of delivery of services, and advocacy on behalf of the most vulnerable older persons as required by the Older Americans Act continue and grow stronger. The recommendations reflected in this Plan are just the beginning of the work that is needed to be undertaken in Iowa.

**Additional Information:**

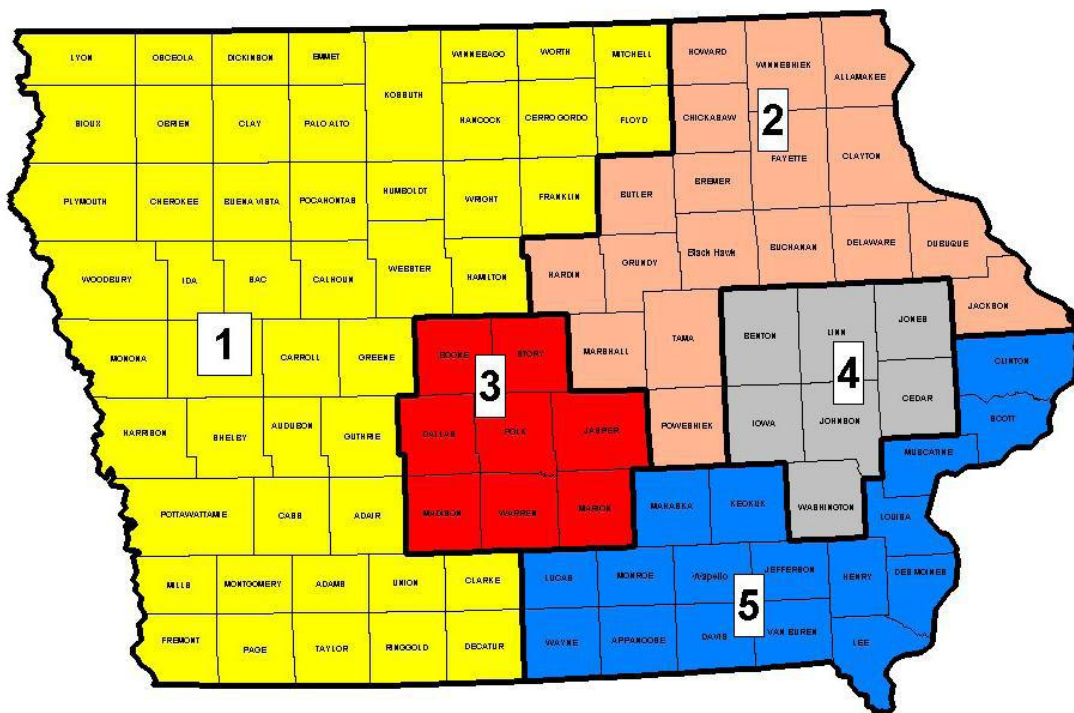
We welcome the opportunity to meet with members of the General Assembly upon request to provide additional information related to the proposed plan. Please contact Donna Harvey, Director of the Department on Aging at [Donna.Harvey@iowa.gov](mailto:Donna.Harvey@iowa.gov).

## Proposed Planning and Service Areas (PSA's)





## Proposed Area Agencies on Aging (AAA's)



**IOWA DEPARTMENT ON AGING [17]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 231.14, 231.23 and 2011 Iowa Acts, House File 45, Section 20, the Iowa Department on Aging hereby rescinds Chapter 4, “Department Planning Responsibilities,” Iowa administrative Code, and adopts a new Chapter 4 with the same title.

The proposed rules in the new Chapter 4 are necessary to correct errors within Chapter 4 and to comply with 2011 Iowa Acts, House File 45, Section 20.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable because of the immediate need to comply with 2011 Iowa Acts, House File 45, Section 20. Pursuant to House File 45, the Department is mandated to implement a reduction in the number of area agencies on aging in the state to be effective beginning July 1, 2012, with a plan for the reduction due to the standing committees on human resources of the senate and house of representatives and the joint appropriations subcommittee on health and human services on or before December 15, 2011. The plan for the reduction of area agencies on aging must be guided by the Older Americans Act, Iowa Code and administrative rules. Accurate and appropriate administrative rules must be enacted on an emergency basis to comply with the legislatively mandated timelines.

The Department further finds that the normal effective date of new Chapter 4 should be waived and these rules should be made effective upon filing. The Department’s finding is based upon the fact that these rules are statutorily necessary based upon 2011 Iowa Acts, House File 45, Section 20. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)”b”(1).

The Department adopted these rules on November 1, 2011.

These rules are also published herein under Notice of Intended Action as ARC XXXXX to allow public comment.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code Chapter 231 and 2011 Iowa Acts, House File 45.

These rules became effective on November 1, 2011.

The following amendment is adopted.

Rescind 17—Chapter 4 and adopt the following **new** chapter in lieu thereof:

## **CHAPTER 4**

### **DEPARTMENT PLANNING RESPONSIBILITIES**

**17—4.1 Definitions.** Words and phrases as used in this chapter are as defined in chapter 17-1 unless the context indicates otherwise. The following definitions also apply to this chapter:

“*Days*” means calendar days unless otherwise indicated. If a term refers to a date on which a document or response is due to the Department and the due date occurs on a holiday or weekend, then the due date shall be the next business day.

“*Entity*” means any public or private nonprofit agency or organization or a unit of general purpose local government.

“*Indian*” means a person who is a member of an Indian Tribal Organization or recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“*Indian Tribal Organization*” means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such

governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

*“State Plan on Aging”* means a document developed in accordance with the Older Americans Act that is submitted to the Administration on Aging every two, three or four years with updates as necessary, in order to receive Older Americans Act grants.

*“Unit of General Purpose Local Government”* means either the government of a county, municipality, township, metropolitan area, or region within the state recognized for area wide planning that functions as a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions, and has a population of 100,000 or more or an Indian tribal organization.

#### **17—4.2 State Plan on Aging.**

**4.2(1) Authority.** The Iowa Department on Aging is designated as the sole state unit on aging in Iowa for developing and administering a state plan on aging or state plan amendment pursuant to the federal Older Americans Act. The Iowa Commission on Aging is designated as the policymaking body of the sole state unit on aging in Iowa and is authorized to approve or disapprove a state plan or state plan amendment developed by the Department.

**4.2(2) State Plan on Aging.** The Department shall develop for Commission consideration a two, three, or four-year state plan on aging in compliance with the Older Americans Act and Iowa Code chapter 231. The Department shall develop the state plan on aging in accordance with the procedures and associated instructions, guidance, and direction specified by the Administration on Aging.

**4.2(3) *State Plan on Aging Amendment.*** The Department may, in its discretion, develop and submit to the Commission for consideration an amendment to the state plan on aging at any time.

**4.2(4) *State Plan on Aging and State Plan Amendment Review Process.*** Once the Department develops the state plan on aging or state plan amendment, it shall comply with the following chronological review and comment process:

- a.* The Department shall hold at least one public hearing on the proposed state plan or state plan amendment; and
- b.* The Department shall submit the state plan or state plan amendment to the Commission for consideration. The Commission shall approve or disapprove the state plan or state plan amendment after reviewing the plan and public comments; and
- c.* The Department shall submit a state plan or state plan amendment approved by the Commission to the Governor for approval and signature; and
- d.* The Department shall submit a state plan or state plan amendment approved by the Governor to the Administration on Aging for approval at least 45 days before the effective date of the state plan or state plan amendment.

**4.2(5) *State Plan on Aging Not Approved.*** If a state plan or state plan amendment is not approved by the Commission, the Governor, or the Administration on Aging, the Department may, in its discretion, table or revise the proposed state plan or state plan amendment. If the

Department revises the proposed state plan or state plan amendment, the Department shall follow the comment and approval process outlined in rule 17-4.2(4).

**4.2(6) *Technical Changes to State Plan on Aging.*** The Commission or the Governor may, in their discretion, make technical corrections to a submitted state plan or state plan amendment prior to approving it.

**17—4.3 Planning and Service Areas.**

**4.3(1) *Designation.*** The Older Americans Act requires the Department to develop a plan dividing the State into distinct planning and service areas and submit the plan to the Commission for consideration.

**4.3(2) *Change in Designation.*** The Department may, in its discretion, submit a plan to the Commission changing existing planning and service area designations for any the following reasons:

- a.* A change or reduction in the number of planning and service areas is mandated by state or federal law;
- b.* A change occurs in the geographical distribution of older individuals in the state;
- c.* A change occurs in the incidence of the need for, or distribution of, resources and services outlined in the Older Americans Act;
- d.* A change occurs in the distribution of older individuals who have greatest economic or social need or who are Indians residing in such areas;
- e.* A change occurs in the location of units of general purpose local government within the State;

- f.* A change occurs in the boundaries of existing areas within the State which were drawn for the planning or administration of supportive service programs; or
- g.* Any other relevant factors as determined by the Department.

**4.3(3)** *Designation Requirements for Units of General Purpose Local Government.* The Department may, in its discretion, recommend to the Commission for its consideration designation of any unit of general purpose local government as a planning and service area.

**4.3(4)** *Process to Designate or Change Planning and Service Areas.* The Department's submission to the Commission of a plan to divide the State into distinct planning and service areas or change an existing plan shall be acted upon by the Commission only after affected parties have been provided notice and an opportunity to be heard as required by the Older Americans Act.

*a. Notice.*

- i.* The Department shall send by certified mail, return receipt requested, a written notice of intent to designate planning and service area boundaries or change existing planning and service area boundaries by mailing said notice to all area agency on aging executive directors and board chairs. The Department shall also publish a notice in at least one newspaper of statewide circulation and one newspaper circulated in each county located within the affected planning and service area(s) to provide notice to affected parties, including older individuals, individuals with disabilities, service providers, and units of general purpose local government.

Notice shall also be provided by posting the notice on the Department website, [www.aging.iowa.gov](http://www.aging.iowa.gov).

- ii. The notice shall document the need to designate planning and service area boundaries or change existing planning and service area boundaries and provide a process for submitting written comments to the Department for consideration by the Commission.

*b. Public Hearing.*

- i. The Department shall hold at least one public hearing to obtain comments and provide information on the plan to designate planning and service area boundaries or change existing planning and service area boundaries within 90 days of providing notice pursuant to rule 17-4.3(4)(a).
- ii. Information provided by the Department at the public hearing shall include, but not be limited to, the proposed planning and service area boundary designations or changes, the reason(s) for the designations or changes, legal authority to designate or change planning and service area boundaries, identification of affected individuals or groups of individuals, and procedures for appealing the proposed planning and service area designations or changes.
- iii. Instructions for providing written comments to the Department regarding the proposed planning and service area designations or changes shall be provided at the public hearing and shall be posted on the Department's website, [www.aging.iowa.gov](http://www.aging.iowa.gov).



**4.3(5) *Review of Comments.*** The Department shall review all public comments received and provide a summary for the Commission's review.

**4.3(6) *Department Submission of Proposed Recommendation to the Commission.*** The Department shall submit to the Commission for consideration a proposed recommendation regarding the designation or change of planning and service areas.

**4.3(7) *Commission Approval or Disapproval of Proposed Designation of or Change to Planning and Service Areas.*** The Commission may, in its discretion, approve or disapprove the Department's proposed recommendation to divide the state into distinct planning and services areas or change existing designations. If the Commission disapproves the Department's proposed recommendation, the Department shall develop an alternate recommendation for Commission consideration after notice and an opportunity for public comment as provided in rule 17-4.3(4). The Commission's final decision shall be posted on the Department's website, [www.aging.iowa.gov](http://www.aging.iowa.gov). The Commission's final decision is other agency action for the purposes of Iowa Code section 17A.19.

**4.3(8) *State Appeal of Commission Decision.*** A party aggrieved or adversely affected by the Commission's final decision may seek judicial review in accordance with Iowa Code section 17A.19. Such party shall serve a copy of the petition for judicial review upon the Director, Department on Aging, 510 East 12<sup>th</sup> Street, Suite 2, Des Moines, Iowa 50319-9025.

**4.3(9) *Federal Appeal of Commission's Decision.*** An adversely affected party may appeal, in writing, the Commission's decision regarding a planning and service area designation or change to the Assistant Secretary for Aging of the Administration on Aging, Washington, DC 20201 on the basis of the facts and merits of the matter that is the subject of the action or proceeding, or on procedural grounds within 30 days of the Commission's final decision. Written

requests shall state: (i) the decision for which an appeal is being made, and (ii) the legal name(s), address(es), telephone number(s), and email address(es) of the individual or entity requesting the appeal. A copy of this request shall also be mailed to the Director, Department on Aging, 510 E. 12<sup>th</sup> Street, Suite 2, Des Moines, IA 50319. All questions regarding the federal appeal process should be addressed to the Assistant Secretary for Aging at the address provided above.

**4.3(10) *Official Designation.*** Official designation shall not occur until the final disposition of all appeals.

#### **17—4.4 Area Agencies on Aging.**

**4.4(1) *Designation.*** The Department shall designate for each planning and service area an entity to serve as the area agency on aging in accordance with Older Americans Act requirements. The Department may, in its discretion, designate one area agency on aging to serve more than one planning and service area.

**4.4(2) *Designation Requirements for Units of General Purpose Local Government.***  
Whenever the Department designates a new area agency on aging after the date of enactment of the Older Americans Act Amendments of 1984 or dedesignates an existing area agency on aging, the Department shall give the right of first refusal to a unit of general purpose local government if:

- a.* The unit of general purpose local government can meet the requirements established to serve as an area agency on aging pursuant to state and federal law; and
- b.* The unit of general purpose local government's geographical boundaries and the geographical boundaries of the planning and service area are reasonably contiguous.

**4.4(3) *Qualifications to serve.*** Any entity applying for designation as an area agency on aging must have the capacity to perform all functions of an area agency on aging as outlined in the Older Americans Act and Iowa Code chapter 231. An area agency on aging shall be any one of the following:

- a.* an established office of aging operating within a planning and service area;
- b.* any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit;
- c.* any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose;
- d.* any public or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, which for designation purposes is under the supervision or direction of the Department and which can and will engage only in the planning or provision of a broad range of supportive services, or nutrition services within such planning and service area; or
- e.* any other entity authorized by the Older Americans Act.

**4.4(4) *Process to Designate Area Agency on Aging.***

- a.* The Department shall send by certified mail, return receipt requested, a written notice of intent to designate an area agency on aging by mailing said notice to all area agency on aging executive directors and board

chairs. The Department shall also publish a notice in at least one newspaper of statewide circulation and one newspaper circulated in each county located within the affected planning and service area(s) to provide notice to affected parties, including older individuals, individuals with disabilities, service providers, and units of general purpose local government. Notice shall also be provided by posting the notice on the Department website, [www.aging.iowa.gov](http://www.aging.iowa.gov).

- b.* The notice shall provide information regarding the Department's intent to designate an area agency on aging and to accept requests for applications to serve as an area agency on aging in the affected planning and service area(s). The notice shall be posted and published at least 60 days prior to the request for application submission deadline.
- c.* The Department shall hold at least one public hearing pursuant to the process provided in rule 17-4.6(2)(b).
- d.* Any entity meeting the qualification requirements outlined in rule 17-4.4(3) may submit an application to serve as an area agency on aging.
- e.* If an area agency on aging is dedesignated pursuant to rule 17-4.6, the Department shall use a request for application process to designate a new area agency on aging for the affected planning and service area.
- f.* The Department may, in its discretion, require applicants to submit to an on-site assessment as part of the request for application review process.

**4.4(5)** *Department Submission of Proposed Recommendation for Designation of Area Agency on Aging to the Commission.* Following the review of the application(s), the Department

shall develop and submit to the Commission for consideration a proposed recommendation regarding the designation of an area agency on aging for each planning and service area.

**4.4(6) *Commission Approval or Disapproval of Proposed Designation of Area Agency on Aging.*** The Commission may, in its discretion, approve or disapprove the Department's proposed recommendation to designate an area agency on aging. If the Commission disapproves the Department's proposed recommendation, the Department shall develop an alternate recommendation for Commission consideration after notice and an opportunity for public comment as provided in rule 17-4.4(4). The final decision shall be made available on the Department's website, [www.aging.iowa.gov](http://www.aging.iowa.gov). The Commission's final decision is other agency action for the purposes of Iowa Code section 17A.19.

**4.4(7) *Official Designation.*** An entity shall be designated the area agency on aging upon the Commission's acceptance of the Department's proposed recommendation for designation, the Commission's approval of the area agency on aging area plan, and execution of the associated contract between the Department and the area agency on aging.

**4.4(8) *State Appeal of Commission Decision.*** A party aggrieved or adversely affected by the Commission's final decision may seek judicial review in accordance with Iowa Code section 17A.19. Such party shall serve a copy of the petition for judicial review upon the Director, Department on Aging, 510 East 12<sup>th</sup> Street, Suite 2, Des Moines, Iowa 50319-9025.

**4.4(9) *Official Designation.*** Official designation shall not occur until final disposition of all appeals.

**17—4.5 Continuity of Services in the Event of Appeal of Designation.** To ensure continuity of services in the affected planning and service area(s) while the Commission's final decision regarding designation of an area agency on aging is on appeal, the existing area agency on aging

shall provide services unless the Department, in its discretion, elects any of the following individually or in combination:

- a.* Temporarily perform the responsibilities of the area agency on aging;
- b.* Assign the responsibilities of the area agency on aging to any other area agency on aging;
- c.* Assign the responsibilities of the area agency on aging to another entity in the planning and service area which is competent to provide area agency on aging services; and
- d.* Submit a written request to the Administration on Aging for an extension of the continuity of services plan pursuant to rule 17-4.5. The request shall document the need for an extension to provide continuity of services in the affected planning and service area(s) until a successor area agency on aging is designated after appeal.

#### **17—4.6 Dedesignation of Area Agency on Aging.**

**4.6(1) *Dedesignation.*** The Department may, in its discretion, initiate action to dedesignate an area agency on aging for the following reasons:

- a.* Substantial violation of grant terms and conditions or requirements and standards set forth in federal and state law or rules promulgated by the Department or other agencies having jurisdiction;
- b.* Inadequate performance of the responsibilities outlined in the Older Americans Act, Iowa Code chapter 231 or Department rules or any other law or regulation governing administration, operation and reporting for area agencies on aging;

- c.* The area agency on aging has been unable or is unwilling to take timely remedial action to correct cited deficiencies within the given time frame established by the Department.
- d.* A change or reduction in the number of area agencies on aging is mandated by state or federal law.
- e.* A change occurs in the designation of the planning and service area served by the area agency on aging.

**4.6(2) *Process to Dededesignate an Area Agency on Aging.*** The Department's submission to the Commission of a plan to dedesignate an existing area agency on aging shall be acted upon by the Commission only after affected parties have been provided notice and an opportunity to be heard as required by the Older Americans Act.

*a. Notice.*

- i. Notice to existing Area Agency on Aging.* The Department shall send by certified mail, return receipt requested, a written notice of intent to dedesignate an area agency on aging by mailing said notice to the affected area agency on aging's executive director and board chair. The written notice shall contain the reasons for the proposed dedesignation, the applicable state or federal law(s) or administrative rule(s), and the dedesignation process.
- ii. Notice to other affected parties.* The Department shall provide notice of intent to dedesignate an existing area agency on aging to all other area agencies on aging by mailing notice to their executive directors and board chairs. The Department shall also publish a notice in at least one newspaper of statewide circulation and one newspaper circulated in each county located within the affected planning and

service area(s) to provide notice to affected parties, including older individuals, individuals with disabilities, service providers, and units of general purpose local government. Notice shall be provided through the Department website, [www.aging.iowa.gov](http://www.aging.iowa.gov). The notice shall document the need to dedesignate an existing area agency on aging and provide a process for submitting written comments to the Department for consideration by the Commission.

*b. Public Hearing.*

i. The Department shall hold at least one public hearing to obtain comments and provide information on the plan to dedesignate an existing area agency on aging within 90 days of providing notice pursuant to rule 17-4.6(2)(a).

ii. Information provided by the Department at the public hearing shall include, but not be limited to, the proposed plan to dedesignate, the reasons for dedesignation, legal authority to dedesignate, identification of affected individuals or groups of individuals, and procedures for appealing.

iii. Instructions for providing written comments to the Department regarding the proposed plan to dedesignate an existing area agency on aging shall be provided at the public hearing and shall be posted on the Department's website, [www.aging.iowa.gov](http://www.aging.iowa.gov).

**4.6(3) Review of Comments.** The Department shall review all public comments received and provide a summary for the Commission's review.



**4.6(4) *Department Submission of Proposed Recommendation to the Commission.*** The Department shall submit to the Commission for consideration a proposed recommendation regarding the dedesignation of an existing area agency on aging.

**4.6(5) *Commission Approval or Disapproval of Proposed Recommendation to Dedesignate an Area Agency on Aging.*** The Commission may, in its discretion, approve or disapprove the Department's proposed recommendation to dedesignate an existing area agency on aging. If the Commission disapproves the Department's proposed recommendation, the Department shall develop an alternate recommendation for Commission consideration after notice and an opportunity for public comment as provided in rule 17-4.6(2). The Commission's final decision shall be posted on the Department's website, [www.aging.iowa.gov](http://www.aging.iowa.gov). The Commission's final decision is other agency action for the purposes of Iowa Code section 17A.19.

**4.6(6) *Department Action Subsequent to Dedesignation.*** When an area agency on aging is dedesignated pursuant to this chapter, the Department shall:

- a.* Notify the area agency on aging in writing that it has been dedesignated pursuant to this chapter;
- b.* Provide a written explanation of the grounds for dedesignation;
- c.* Provide written notice of the right to appeal dedesignation and the procedure to be used for appeal;
- d.* Notify the Administration on Aging in writing of the dedesignation; and
- e.* If necessary, implement a plan for continuity of services in the affected planning and service area(s).

**4.6(7) *State Appeal of Commission Decision.*** A party aggrieved or adversely affected by the Commission's final decision may seek judicial review in accordance with Iowa Code section 17A.19. Such party shall serve a copy of the petition for judicial review upon the Director, Department on Aging, 510 East 12<sup>th</sup> Street, Suite 2, Des Moines, Iowa 50319-9025.

**4.6(8) *Federal Appeal of Commission Decision.*** An adversely affected party may appeal, in writing, the Commission's decision regarding dedesignation of an existing area agency on aging to the Assistant Secretary for Aging of the Administration on Aging, Washington, D.C. 20201 on the basis of the facts and merits of the matter that is the subject of the action or proceeding, or on procedural grounds within 30 days of the Commission's final decision. Written requests shall state: (i) the decision for which an appeal is being made, and (ii) the legal name(s), address (es), telephone number(s), and email address (es) of the individual or entity requesting the appeal. A copy of this request shall also be mailed to the Director, Department on Aging, 510 East 12<sup>th</sup> Street, Suite 2, Des Moines, Iowa 50319. All questions regarding the federal appeal process should be addressed to the Assistant Secretary for Aging at the address provided above.

**4.6(9) *Official Designation.*** Official designation shall not occur until the final disposition of all appeals.

**17—4.7 Continuity of Services in the Event of Dedesignation or Appeal of Dedesignation.**

To ensure continuity of services in the affected planning and service area(s) regarding dedesignation of an area agency on aging, the Department may, in its discretion, elect any of the following individually or in combination:

- a.* Temporarily perform the responsibilities of the area agency on aging;
- b.* Assign the responsibilities of the area agency on aging to the existing area agency on aging;

- c.* Assign the responsibilities of the area agency on aging to any other area agency on aging;
- d.* Assign the responsibilities of the area agency on aging to another entity in the planning and service area which is competent to provide area agency on aging services; and
- e.* Submit a written request to the Administration on Aging for an extension of the continuity of services plan pursuant to rule 17-4.7. The request shall document the need for an extension to provide continuity of services in the affected planning and service area(s) until a successor area agency on aging is designated after appeal.

**17—4.8 Severability Clause.** Should any rule, subrule, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

## **Timeline for Plan to Reduce Number of Area Agencies on Aging – House File 45**

Please note that this timeline is drafted to provide general information regarding the reorganization schedule. This timeline is tentative and subject to change.

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|--|--|
| 1. Proposed map for Area Agency on Aging redesign submitted to the Iowa Commission on Aging for consideration  | August 16, 2011  |
| 2. Proposed plan for planning and service area redesign submitted to the Iowa Commission on Aging for consideration  | October 14, 2011   |
| 3. Iowa Administrative Code, Agency 17, Chapter 4, presented to the Iowa Commission on Aging for approval of emergency filing and notice of intended action  | November 1, 2011   |
| 4. Notice sent to Area Agency on Aging Directors and Board of Director Chairs regarding intent to designate planning and service areas and area agencies on aging and intent to dedesignate planning and service areas | November 17, 2011  |
| 5. Notice of intent to designate and dedesignate published in a newspaper with statewide publication and in a newspaper published in each affected county  | November 17, 2011<br>(approximate – based on publishing dates) |
| 6. Notice of intent to designate and dedesignate posted on the Iowa Department on Aging website  | November 17, 2011  |
| 7. Department bills pre-filed with the Legislative Services Agency   | November 28, 2011  |
| 8. Iowa Administrative Code, Agency 17, Chapter 4, published in the Iowa Administrative Bulletin   | November 30, 2011  |
| 9. Iowa Department on Aging redesign plan submitted to legislative Committees pursuant to House File 45  | December 15, 2011  |
| 10. Public comment due in regards to Iowa Administrative Code, Agency 17, Chapter 4  | December 30, 2011  |
| 11. Written public comment period closed for notice of intent to designate planning and service areas and area agencies on aging and to dedesignate area agencies on aging   | January 4, 2012  |

12. Public hearing held for intent to designate planning and service areas and area agencies on aging and to dedesignate area agencies on aging	January 6, 2012
13. Iowa Commission on Aging approves or disapproves proposed planning and service area designation	January 6, 2012
14. Submit comments to Iowa Commission on Aging regarding Iowa Administrative Code, Agency 17, Chapter 4, and seek approval or disapproval to proceed with the next step of the rules process	January 6, 2012
15. Seek introduction of Iowa Department on Aging bill that will remove code provision that mandates 13 area agencies on aging	January 9, 2012
16. Develop Request for Application to designate area agencies on aging	To be determined
17. Issue Request for Application on targeted small business website	January 23, 2012
18. Issue Request for Application process on state system	January 26, 2012
19. Respond to applicant questions regarding the Request for Application process	February 3, 2012
20. Request for Application proposals due	March 2, 2012
21. Review team begins evaluation of requests for application	March 3, 2012
22. Iowa Commission on Aging reviews recommendations regarding requests for applications and approves or disapproves the Iowa Department on Aging's recommendations for dedesignation and designation of area agencies on aging.	March 27, 2012 to April 6, 2012
23. Mail dedesignation letters to area agencies on aging to be effective on June 30, 2012	April 6, 2012
24. Issue notice of intent to award and notice of non-intent to award to entities that applied for the Request for Application	April 6, 2012

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|---|----------------|
| 25. Acceptance of notice of intent due to the Iowa Department on Aging  | April 16, 2012 |
| 26. Dededesignate current area agencies on aging                        | June 30, 2012  |
| 27. Designate new planning and service areas and area agencies on aging | July 1, 2012   |

## **Iowa's Aging and Disability Resource Center (ADRC)**

The ADRC promotes *no wrong door* access to long-term community care support services through efficient use of person-directed care options and services to Iowans regardless of age, disability, and income level.

- Coordination sites (virtual and on-site) for community-based services that are accessed by persons who are aging and/or who have a disability as well as their family and/or family caregivers
- Streamlines the process for all who are attempting to either access or develop a plan to access community-based services as well as determine state and federal support eligibility
- Assists with individualized futures planning to delay/prevent premature institutionalization
- Is *the* trusted source of information on the full range of long-term community care support services options in the community
- Consumer-driven planning for long-term community care support services

### **Key Service Areas**

- Information/Referral & Access
  - Initial access point for consumers to quickly determine need, service availability, and refer to community-based services or to Options Counseling for further plan development
- Options Counseling
  - The key/backbone service to ADRC that bridges the Information/Referral & Access service and the Case Management service
  - Person-centered, interactive planning process that matches consumer choices in long-term community care support services with financial preferences
    - Saves money for individuals as well as State and Federal programs
- Care Transitions/ Coordination
  - Ensures the consumer-driven care transition plan is supported as consumers transition between community care settings
- Eligibility Screening
  - Assist consumer in applying for local, state, and federal programs for which they might be eligible

